

01-*R*-0500

Entered - 01/11/01 - sb
CL01L0029 - DIANNE C. MITCHELL


CLAIM OF: **TOKIO MARINE MANAGEMENT, INC. AS
SUBROGEE OF YOSHIE EHARA
One Ravinia Drive
Suite 1130
Atlanta, Georgia 30346**

For damages alleged to have been sustained as a result of a vehicular accident on December 5, 2000 at Interstate 75/85 northbound.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **TOKIO MARINE MANAGEMENT, INC. AS SUBROGEE OF YOSHIE EHARA** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on December 5, 2000 at Interstate 75/85 northbound as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
**ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0029

Date: March 9, 2001

Claimant /Victim TOKIO MARINE MANAGEMENT, INC. AS SUBROGEE OF YOSHIE EHARA
BY: (Atty)(Ins. Co.)

Address: One Ravinia Drive, Suite 1130, Atlanta, Georgia 30346

Subrogation: Claim for Property damage \$ 2,637.04 Bodily Injury \$

Date of Notice: 01/11/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/05/00 Place: Interstate 75/85 northbound

Department Fire Division:

Employee involved Darryl J. Levette Disciplinary Action: Two Day Suspension

NATURE OF CLAIM: The driver of the City vehicle was unable to maintain his lane when he applied the brakes and collided with the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver X Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement X

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,000.00 Adverse Account charged: 1A01 X 2J01 2H01

Claims Manager: Concur/date 03-09-01

Committee Action: Council Action

TOKIO MARINE MANAGER, INC.
UNITED STATES MANAGER FOR
THE TOKIO MARINE AND FIRE INSURANCE CO., LTD.
U.S. Branch
One Ravinia Drive
Suite 1130
Atlanta, Georgia 30346
Phone: (770) 399-5522
Rapifax: (770) 395-7967
CLAIMS OFFICE-Phone: (770) 399-9262 X 3231



January 10, 2001

ENTERED - 1-11-01 - SB
01L0029 - DIANNE MITCHELL

M Mitchell
01/10/01
[Signature]

City of Atlanta Law Department
Attn: Diane Mitchell
68 Mitchell Street, SW Suite 4100
Atlanta, GA 30335-0332

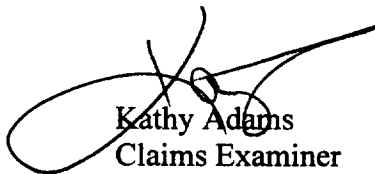
REF: Claim #: 600100023249
Our Insured: Yoshie Ehara
City of Atlanta Driver: Darryl Levette - City of Atlanta Fire Department
D/L: 12/5/00
Location of Accident: I-85 & I-75, Atlanta

Dear Ms. Mitchell:

This will serve to put the City of Atlanta on notice of our intent to file a claim concerning an auto accident (referenced above) that was caused by the negligence of Mr. Levette.

Our official claim will be forthcoming.

Sincerely,


Kathy Adams
Claims Examiner

/ka

cc: Yoshie Ehara
3469F Morningside Village Lane
Doraville, GA 30340

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 01L0029

\$ 2,000.00

IN CONSIDERATION of the sum of TWO THOUSAND AND NO/100
DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to Darryl J. Levette, from any and
all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for
or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident

which occurred on or about the 5th day of December, 2000,

at or near Interstate 75/85 northbound.

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 8th day of March, 2001.


Yutaka Ito (LS)
TOKYO MARINE MANAGEMENT, INC.
AS SUBROGEE OF YOSHIE EHARA

The above release was read and explained to, and signed by the said Kathy Stephens
for Tokyo Marine in our presence on the date above written.


Notary Public, Cobb County, Georgia
My Commission Expires September 15, 2004


Witnesses

01-R-0500